

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ADEN HAILE-SHIREGA,

Plaintiff,

v.

DISTRICT OF COLUMBIA, *et al.*,

Defendants.

No. 1:05cv978 (RBW)

DEFENDANTS DISTRICT OF COLUMBIA'S, JOSEPH MASSEY'S AND NIKEITH GOINS' CONSENT MOTION TO MODIFY SCHEDULING ORDER

Defendants District of Columbia, Joseph Massey and Nikeith Goins, by and through undersigned counsel, respectfully move this Court, pursuant to Fed. R. Civ. Pro. 6 (b)(1), LCvR 7 (m) and this Court's General Order and Guidelines For Civil Cases (ECF) §5, for an order modifying the December 7, 2005 scheduling order to extend discovery from July 29, 2006 up to and including September 15, 2006. In support of this motion the Defendants state as follows:

1. This case arises out of an encounter between plaintiff and officials of the Metropolitan Police Department (MPD), Sergeant Joseph Massey and Officer Nikeith Goins. Plaintiff asserts, *inter alia*, claims for violation of her civil rights, false arrest and assault and battery.

2. On December 7, 2005, this Court issued a scheduling order setting July 28, 2006 as the deadline to complete discovery. Further, by way of the Order, the parties are to attend mediation between July 31, 2006 and September 29, 2006. A status conference is scheduled for October 2, 2006.

3. This motion to modify the scheduling order is not seeking to change the September 29, 2006 mediation deadline or the October 2, 2006 status conference.

4. There is good cause to grant this motion because the parties have made a good faith effort to complete discovery by the July 29, 2006 deadline.

5. Paper discovery has been substantially completed but the parties still need to take several depositions. The District's designee under Fed. R. Civ. Pro. 30 (b) (6) and Force Investigation Team investigator have been deposed by plaintiff.

6. The depositions of plaintiff, defendants and several independent witnesses still need to be conducted.

7. The parties have attempted to complete the depositions but undersigned counsel's trial schedule has been a barrier in achieving this goal. Undersigned counsel's trial schedule included the following: *Deng v. District of Columbia, et al*, CA No. 02-1022(JR), (March 20, 2006 through March 27, 2006 (hung jury)); *Anderson v. District of Columbia* CA No. 04-56 (GK) (GK), trial scheduled to begin on May 2, 2006 and conclude on May 12, 2006 (settled on April 25, 2006); *Deng v. District of Columbia, et al*, CA No. 02-1022 (JR), re-trial scheduled to begin on June 22, 2006 and conclude on June 27, 2006 (settled June 20, 2006); *Muldrow v. District of Columbia*, Case No. 03ca008191, trial scheduled to begin July 10, 2006 and conclude July 21, 2006 (continued on July 5, 2006); and, *Smith v. Department of Mental Health*, CA No. 02-481 (JMF) five day trial scheduled to begin July 31, 2006.

6. This is the defendants' first request to modify the scheduling order and, as previously stated, if this motion is granted it will not interfere with mediation or the October 2, 2006 status conference.

7. Plaintiff will not be prejudiced if this motion is granted because plaintiff still desires to take depositions of the named defendants and other employees of the District of Columbia.

8. Counsels for plaintiff have consented to this motion.

A memorandum of points and authorities accompanies this motion.

Respectfully submitted,

ROBERT J. SPAGNOLETTI
Attorney General for the District of Columbia

GEORGE VALENTINE
Deputy Attorney General, Civil Litigation Division

/s/Nicole L. Lynch/s/
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ADEN HAILE-SHIREGA,	:	
	:	
Plaintiff,	:	
	:	No. 1:05cv978 (RBW)
v.	:	
	:	
DISTRICT OF COLUMBIA, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE
DEFENDANTS' MOTION TO MODIFY THE SCHEDULING ORDER**

Rule 6(b) (1) of the Federal Rules of Civil Procedure permits an extension of time when a request is made prior to the expiration of the time originally prescribed. Further, this motion is timely as it is being filed within four days of the expiration period as mandated by this Court's General Order and Guidelines For Civil Cases (ECF) §5. This motion to modify the scheduling order is not seeking to change the September 29, 2009 mediation deadline or the October 2, 2006 status conference.

There is good cause to grant this motion because the parties have made a good faith effort to complete discovery by the July 29, 2006 deadline. Paper discovery has been substantially completed but the parties still need to take several depositions. The depositions of plaintiff, defendants and several independent witnesses still need to be conducted. The parties have attempted to complete the depositions but undersigned counsel's trial schedule has been a barrier in achieving this goal.

This is the defendants' first request to modify the scheduling order and, if this motion is granted it will not interfere with mediation or the October 2, 2006 status conference. Further, Plaintiff will not be prejudiced if this motion is granted because plaintiff still desires to take the depositions of the named defendants and other employees of the District of Columbia. Moreover, counsels for plaintiff have consented to this motion.

WHEREFORE, defendants respectfully move this Court to grant the instant Motion.

Respectfully submitted,

ROBERT J. SPAGNOLETTI
Attorney General for the District of Columbia

GEORGE VALENTINE
Deputy Attorney General, Civil Litigation Division

/s/Nicole L. Lynch/s/
NICOLE L. LYNCH
Chief Civil Litigation Division Section II

/s/David A. Jackson/s/
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